

AMENDED IN SENATE AUGUST 19, 2009

AMENDED IN SENATE JUNE 17, 2009

AMENDED IN ASSEMBLY APRIL 28, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1514

Introduced by Assembly Member Hayashi

February 27, 2009

An act to amend ~~Sections~~ *Section* 84218 and 85309 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1514, as amended, Hayashi. Political Reform Act of 1974: reporting.

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing, including requiring the filing of reports of contributions and expenditures. Among its provisions, the act requires a slate mailer organization, as defined, to file semiannual campaign statements for each 6-month period in which it has received or expended \$500 or more for the production of a slate mailer.

This bill would require a slate mailer organization to file semiannual campaign statements for every 6-month period, irrespective of whether the organization received payments or made expenditures for that period.

~~The act requires candidates for elective office and committees primarily formed to support or oppose a state ballot measure to file online or electronically with the Secretary of State a report disclosing receipt of a contribution of \$1,000 or more received during an election~~

cycle, as defined, or receipt of a contribution of \$5,000 or more received at any time other than during an election cycle.

~~This bill would broaden those reporting requirements by imposing them on committees in general, as defined in the act, that receive contributions and on slate mailer organizations that receive payments. The bill would further provide that except for candidates for elective state office or their controlled committees or state ballot measure committees, committees or slate mailer organizations would not be required to file reports unless they made contributions or independent expenditures, in the case of committees, or receive payments, in the case of slate mailer organizations in connection with a candidate or ballot measure associated with an election cycle.~~

Existing law makes a willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 84218 of the Government Code is
- 2 amended to read:
- 3 84218. (a) A slate mailer organization shall file semiannual
- 4 campaign statements no later than July 31 for the period ending
- 5 June 30, and no later than January 31, for the period ending
- 6 December 31.
- 7 (b) In addition to the semiannual statements required by
- 8 subdivision (a), slate mailer organizations shall file preelection
- 9 statements as follows:

1 (1) Any slate mailer organization which produces a slate mailer
2 supporting or opposing candidates or measures being voted on in
3 an election held upon the first Tuesday after the first Monday in
4 June or November of an even-numbered year shall file the
5 statements specified in Section 84200.7 if, during the period
6 covered by the preelection statement, the slate mailer organization
7 receives payments totaling five hundred dollars (\$500) or more
8 from any person for the support of or opposition to candidates or
9 ballot measures in one or more slate mailers, or expends five
10 hundred dollars (\$500) or more to produce one or more slate
11 mailers.

12 (2) Any slate mailer organization which produces a slate mailer
13 supporting or opposing candidates or measures being voted on in
14 an election held on a date other than the first Tuesday after the
15 first Monday in June or November of an even-numbered year shall
16 file the statements specified in Section 84200.8 if, during the period
17 covered by the preelection statement, the slate mailer organization
18 receives payments totaling five hundred dollars (\$500) or more
19 from any person for the support of or opposition to candidates or
20 ballot measures in one or more slate mailers, or expends five
21 hundred dollars (\$500) or more to produce one or more slate
22 mailers.

23 (c) A slate mailer organization shall file two copies of its
24 campaign reports with the clerk of the county in which it is
25 domiciled. A slate mailer organization is domiciled at the address
26 listed on its statement of organization unless it is domiciled outside
27 California, in which case its domicile shall be deemed to be Los
28 Angeles County for purposes of this section.

29 In addition, slate mailer organizations shall file campaign reports
30 as follows:

31 (1) A slate mailer organization which produces one or more
32 slate mailers supporting or opposing candidates or measures voted
33 on in a state election, or in more than one county, shall file
34 campaign reports in the same manner as state general purpose
35 committees pursuant to subdivision (a) of Section 84215.

36 (2) A slate mailer organization which produces one or more
37 slate mailers supporting or opposing candidates or measures voted
38 on in only one county, or in more than one jurisdiction within one
39 county, shall file campaign reports in the same manner as county

1 general purpose committees pursuant to subdivision (d) of Section
2 84215.

3 (3) A slate mailer organization which produces one or more
4 slate mailers supporting or opposing candidates or measures voted
5 on in only one city shall file campaign reports in the same manner
6 as city general purpose committees pursuant to subdivision (e) of
7 Section 84215.

8 (4) Notwithstanding the above, no slate mailer organization
9 shall be required to file more than the original and one copy, or
10 two copies, of a campaign report with any one county or city clerk
11 or with the Secretary of State.

12 ~~SEC. 2. Section 85309 of the Government Code is amended~~
13 ~~to read:~~

14 ~~85309. (a) In addition to any other report required by this title,~~
15 ~~a committee, as defined in subdivision (a) of Section 82013, or a~~
16 ~~slate mailer organization that is required to file reports pursuant~~
17 ~~to Section 84605 shall file online or electronically with the~~
18 ~~Secretary of State a report disclosing receipt of a contribution or,~~
19 ~~in the case of a slate mailer organization, a payment of one~~
20 ~~thousand dollars (\$1,000) or more received during an election~~
21 ~~cycle. Those reports shall disclose the same information required~~
22 ~~by subdivision (a) of Section 84203 or, in the case of a slate mailer~~
23 ~~organization, Section 84220 and shall be filed within 24 hours of~~
24 ~~receipt of the contribution or payment.~~

25 ~~(b) In addition to any other report required by this title, a~~
26 ~~committee, as defined in subdivision (a) of Section 82013, or a~~
27 ~~slate mailer organization that is required to file reports pursuant~~
28 ~~to Section 84605 shall file online or electronically with the~~
29 ~~Secretary of State a report disclosing receipt of a contribution or,~~
30 ~~in the case of a slate mailer organization, a payment of five~~
31 ~~thousand dollars (\$5,000) or more received at any time other than~~
32 ~~during an election cycle. Those reports shall disclose the same~~
33 ~~information required by subdivision (a) of Section 84203 or, in~~
34 ~~the case of a slate mailer organization, Section 84220 and shall be~~
35 ~~filed within 10 business days of receipt of the contribution or~~
36 ~~payment.~~

37 ~~(c) Except for a candidate for elective state office and his or her~~
38 ~~controlled committee or committees or a committee primarily~~
39 ~~formed to support or oppose one or more state ballot measures, a~~
40 ~~committee is not required to file a report pursuant to subdivision~~

1 ~~(a) unless the committee makes a contribution to, or independent~~
2 ~~expenditure in connection with, a candidate or ballot measure~~
3 ~~associated with the election cycle.~~

4 ~~(d) A slate mailer organization is not required to file a report~~
5 ~~pursuant to subdivision (a) unless the slate mailer organization~~
6 ~~receives a payment in connection with a candidate or ballot~~
7 ~~measure associated with the election cycle.~~

8 ~~SEC. 3.~~

9 *SEC. 2.* No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.

18 ~~SEC. 4.~~

19 *SEC. 3.* The Legislature finds and declares that this bill furthers
20 the purposes of the Political Reform Act of 1974 within the
21 meaning of subdivision (a) of Section 81012 of the Government
22 Code.